

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE §
§
DFW BOAT SPECIALISTS, LLC § Case no.23-40316-11
§
§
§
§
DEBTOR § CHAPTER 11
§

ORDER ON EMERGENCY MOTION TO COMPEL DELIVERY OF FUNDS

CAME ON to be considered this day the Motion of DFW Boat Specialists, LLC., Debtor in the above styled and numbered cause to Compel Delivery of Funds (“Motion”). The Court having reviewed the Motion, the Objection to the Motion and having heard testimony of witnesses and argument of counsel finds:

1. Westlake Financial (“Westlake”) is in possession of funds of the Debtor;
2. Westlake is in possession of funds of the Debtor that constitute proceeds of the collateral of another secured creditor;
3. Westlake has no claims against the Debtor;
4. Westlake’s actions constitute a violation of the Bankruptcy Code.

It is accordingly,

ORDERED ADJUDGED AND DECREED that Westlake shall immediately turn over the funds in the amount of \$18,090.66 (“Funds”) to the Debtor. It is further,
ORDERED, ADJUDGED AND DECREED in the event Westlake fails to turn over the Funds to the Debtor by 5:00 p.m. central time of March 9, 2023, counsel for the Debtor shall

file notice with the Court. It is further,

ORDERED, ADJUDGED AND DECREED if the notice is so filed with the Court that the Funds have not been turned over, the Court will set a contempt hearing on March 14, 2023 at 10:00 a.m. to consider the appropriate sanctions against Westlake, which sanctions may include, attorneys fees of both the Debtor and the secured creditor, interest and any other monetary or non monetary sanction determined appropriate by the Court.

Signed on 03/07/2023

Brenda T. Rhoadee SD
HONORABLE BRENDA T. RHOADES,
UNITED STATES BANKRUPTCY JUDGE

In re:
DFW Boat Specialists LLC
Debtor

Case No. 23-40316-btr
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0540-4

User: admin

Page 1 of 2

Date Rcvd: Mar 08, 2023

Form ID: pdf401

Total Noticed: 13

The following symbols are used throughout this certificate:

Symbol **Definition**

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 10, 2023:

Recip ID	Recipient Name and Address
db	+ DFW Boat Specialists LLC, 2401 Worthington Dr. Suite 106, Denton, TX 76207-3451
cr	+ AMERICAN EXPRESS CLASSIC GOLD CARD, PO BOX 650448, Dallas, TX 75265-0448
cr	American Exprex Blue Business Plus, PO Box 981535, El Paso, TX 79998-1535
cr	+ Axle Funding, 14951 Dallas Pkwy #200, Dallas, TX 75254-6883
cr	+ CarBucks Floor Plan, 417 Woods Lake Rd., Greenville, SC 29607-2777
cr	+ Green Note Capital, 1019 Avenue P Suite 401, Brooklyn, NY 11223-2366
cr	+ NextGear Capital Wholesale, 11799 North College Avenue, Carmel, IN 46032-5605
cr	+ NextGear Capital, Inc., c/o Padfield & Stout, LLP, Christopher V. Arisco, 420 Throckmorton Street, Suite 1210, Fort Worth, TX 76102-3792
cr	+ XL Funding, LLC d/b/a AXLE Funding, c/o Padfield & Stout, LLP, Christopher V. Arisco, 420 Throckmorton Street, Suite 1210, Fort Worth, TX 76102-3792

TOTAL: 9

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/Text: tleday@mvalaw.com	Mar 08 2023 23:44:00	Denton County, c/o McCreary, Veseka , Bragg & Allen PC, PO Box 1269, Round Rock, TX 78680-1269
cr	Email/PDF: ais.chase.ebn@aisinfo.com	Mar 08 2023 23:52:34	JPMorgan Chase Bank, P.O. Box 659754, San Antonio, TX 78265
cr	+ Email/Text: jduty@nationalfunding.com	Mar 08 2023 23:44:00	National Funding, Inc., 9820 Town Centre Drive, San Diego, CA 92121-1912
cr	+ Email/Text: BankruptcyNotice@westlakefinancial.com	Mar 08 2023 23:44:00	WESTLAKE SERVICE INC, 4751 WILSHIRE BLVD SUITE 100, Los Angeles, CA 90010-3847

TOTAL: 4

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

District/off: 0540-4

User: admin

Page 2 of 2

Date Recd: Mar 08, 2023

Form ID: pdf401

Total Noticed: 13

Date: Mar 10, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 7, 2023 at the address(es) listed below:

Name	Email Address
Alan Bartlett Padfield	on behalf of Creditor XL Funding LLC d/b/a AXLE Funding abp@livepad.com
Christopher V. Arisco	on behalf of Creditor XL Funding LLC d/b/a AXLE Funding carisco@padfieldstout.com
Christopher V. Arisco	on behalf of Creditor NextGear Capital Inc. carisco@padfieldstout.com
Eric A Liepins	on behalf of Debtor DFW Boat Specialists LLC eric@ealpc.com martha@ealpc.com; r56883@notify.bestcase.com
James Randolph Liebler, II	on behalf of Creditor Westlake Flooring Company LLC jrlii@lgplaw.com, mkv@lgplaw.com
James Randolph Liebler, II	on behalf of Creditor WESTLAKE SERVICE INC jrlii@lgplaw.com mkv@lgplaw.com
John M. Vardeman	on behalf of U.S. Trustee US Trustee john.m.vardeman@usdoj.gov
Julie Anne Parsons	on behalf of Creditor Denton County jparsons@mvtbalaw.com kalexander@mvtbalaw.com; olga.schroeder@mvtbalaw.com; julie.parsons@ecf.courtdrive.com
Mark A WEISBART (SBRA V)	mweisbart@haywardfirm.com tsimmons@haywardfirm.com; ecf.alert+Weisbart@titlexi.com

TOTAL: 9